

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANDREW CONE,

Plaintiff,

vs.

JOHNNY YOUNGBLOOD, et al.,

Defendants.

Case No. 2:12-cv-01284-JCM-CWH

ORDER

This matter is before the Court on Plaintiff Andrew Cone's Motion Requesting the United States Marshal Serve Francisco Sanchez (#23), filed October 24, 2013.

On February 20, 2013, the Court entered a screening order wherein it determined that Plaintiff may proceed on the claims set forth in his amended complaint (#6) set forth in count I under both the Eighth and Fourteenth Amendment and in counts II and III under the First and Fourteenth Amendment. The action was stayed for 90 days to permit the parties to engage in informal settlement discussions. *See* Orders (#8), (#9). On May 21, 2013, the office of the Nevada Attorney General filed a status report indicating that the parties had not engaged in settlement negotiations during the 90-day stay and informing the Court of the intent to proceed with this action. (#11).

Thereafter, the Court entered an order granting Plaintiff's application to proceed *in forma pauperis* and ordering the Nevada Attorney General's office to advise the Court whether it would accept service of process. (#12). The Nevada Attorney General filed a Notice of Acceptance of Service on behalf of Defendant Youngblood on June 13, 2013. *See* (#14). Just prior to the filing of the Notice of Acceptance of Service, Plaintiff filed a motion to amend his complaint. (#13). The motion was not opposed and, pursuant to Fed. R. Civ. P. 15(a), was granted on July 15, 2013. *See* Order (#15). The amended complaint adds new parties, including Francisco Sanchez. By way of

1 this motion, Plaintiff requests that the Court issue summons and order service of the complaint and
2 summons by the United States Marshal.

3 Plaintiff has been approved to proceed in this matter *in forma pauperis*. (#12).
4 Consequently, he is entitled to rely on the United States Marshal for service. *See* Fed. R. Civ. P.
5 4(c)(3). In the order granting Plaintiff's petition to proceed *in forma pauperis*, the Court required
6 that any motion for service specify the full name and address of the defendant to be served.
7 Plaintiff's motion does not comply with this requirement. Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff Andrew Cone's Motion Requesting the United
9 States Marshal Serve Francisco Sanchez (#23) is **denied without prejudice**.

10 **IT IS FURTHER ORDERED** that the Attorney General's Office shall advise the Court
11 within **twenty-one (21) days** of the date the entry of this order whether it can accept service of
12 process for Defendant Francisco Sanchez. If the Attorney General's Office cannot accept service
13 on behalf of Defendant Sanchez, the Office shall file, *under seal*, the last known address of
14 Defendant Sanchez.

15 **IT IS FURTHER ORDERED** that if service cannot be accepted for Defendant Sanchez,
16 Plaintiff shall file a motion for service, requesting issues of a summons, and specifying the full and
17 address for Defendant Sanchez. The Clerk shall send Plaintiff a blank Form USM-285.

18 DATED: October 28, 2013.

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22 **C.W. Hoffman, Jr.**
23 **United States Magistrate Judge**
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